

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 09-cr-30-1-2

Edward Brown and
Elaine Brown

SEALED ORDER

While it may be a debatable legal and ethical point, still, I think recusal in this case is both warranted and appropriate, given the close circumstantial relatedness between the charged offenses and reported public statements by the Browns and others associated with them in the recent past. Because those public statements included threats of violence and physical harm directed at me, a reasonable person, fully informed of the facts, might understandably question my ability to remain impartial in this case, were I to preside. Strictly speaking, the charges here do not include allegations of threats made against me (which would unquestionably warrant recusal), but such distinctions overlook practical realities. While I have no doubt about my own ability to be impartial, I think the public interest is better served by my recusal and reassignment of this case to a different judge to avoid the risk of even an appearance of partiality.

The Clerk shall reassign the matter to a different judge.

This order shall be unsealed upon unsealing of the
indictments.

SO ORDERED.



Steven J. McAuliffe
Chief Judge

February 2, 2009

cc: Arnold H. Huftalen, AUSA
U.S. Marshal
U.S. Probation